I negate.

G.E.M. Anscombe[[1]](#footnote--1) explains the distinctions between the Aristotelian naturalistic ought and the moral ought:

**The terms** “should” or “**ought**” **or “needs” relate to good and bad: e.g. machinery needs oil,** or should **or ought** to **be oiled, in that running without oil is bad for it, or it runs badly without oil.** According to this conception, of course, "should" and "ought" are not used in a special "moral" sense when one says that a man should not bilk. (**In Aristotle's sense of the term "**moral" [ήθικός], **they are being used in connection with a moral subject matter:** namely that of human passions and [non\_technical] actions.) But **they have now acquired a special** so\_called **"moral" sense-\_i.e. a sense in which they imply some absolute verdict** (like one of guilty/not guilty on a man) on what is described in the "ought" sentences used in certain types of context: not merely the contexts that Aristotle would call "moral"\_-passions and actions\_-but also some of the contexts that he would call "intellectual."The ordinary (and quite indispensable) terms "should," "needs," "**ought**," "must"\_-**acquired this special sense by being equated in the relevant contexts with "is obliged," or "is bound," or "is required to," in the sense in which one can be obliged or bound by law, or something can be required by law.**

However, coherent meaning only exist in the naturalistic approach to ought. No coherent meaning can be understood when we use the idea of ought to express moral propositions. Anscombe two continues,

When Hume produced his famous remarks about the transition from "is" to "ought," he was, then, bringing together several quite different points. One I have tried to bring out by my remarks on the transition from "is" to "owes" and on the relative "bruteness" of facts. **It would be possible to bring out a different point by enquiring about the transition from "is" to "needs"; f**rom the characteristics of an organism to the environment that it needs, for example. **To say that it needs that environment is not to say, e.g., that you want it to have that environment, but that it won't flourish u**nless it has it. Certainly, **it** all **depends whether you *want* it to flourish**!as Hume would say.But **what "all depends"** on whether you want it to flourish **is whether the fact that it needs that environment,** or won't flourish without it**, has the slightest influence on your actions, Now *that***such\_and\_such **"ought"** to be or "is needed" **is supposed to have an influence on your actions: from which it seemed natural to infer that to judge that it "ought to be" was in fact to grant what you judged "ought to be" influence on your actions. And no amount of truth as to what is the case could possibly have a logical claim to have influence on your actions.** (It is not judgment as such that sets us in motion; but our judgment on how to get or do something we *want.)***Hence it *must* be impossible to infer "needs" or "ought to be" from "is." But in the case of a plant, let us say, the inference from "is" to "needs" is certainly not in the least dubious.** It is interesting and worth examining; but not at all fishy. Its interest is similar to the interest of the relation between brute and less brute facts: these relations have been very little considered. And while you can contrast "what it needs" with "what it's got"--like contrasting *de facto* and *de iure*--that does not make its needing this environment less of a "truth."

Thus, we must be consistent with the quality necessary for human flourishing, which implies that we ought to follow through with our promises. Phillipa Foot[[2]](#footnote-0) explains

Why then should there be surprise at the suggestion that the status of certain disposition as virtues should be determined by quite general facts about human beings? But let us see how it might be shown that someone acted badly in breaking a promise or other kind of contract. In the essay 'on promising and its justice' to which I referred in Chapter 1 she remarks that much **human good hangs on the possibility of one person being able to bind another's will by** something in the nature of a **promise** or other contract. One can see that this is true. **Any exchange of goods or services above the most primitive level** of direct simultaneous exchange **depends on the carrying out of tacit or explicit understandings of which keeping a promise is one specific form. And it is easy to see how much good hangs on the trustworthiness involved if one thinks, for instance, or the long dependency of the human young and what it means to parents to be able to rely on a promise securing the future of their children in case of their death**. TI would be different if human beings were different, and could bind the will so f others through some kind of future-related mind-control device. But we have not got such powers, any more than animals who depend on cooperative hunting have the power of catching their prey as tigers do by solitary stalk and pounce. **Anscombe** stresses this human incapacity, for she **asks: “What ways are there of getting human beings to do things?** You can make a man fall over by pushing him; you cannot usefully make his hand write a litter or mix concrete by pushing…**You can order him to do what you want, and if you have authority he will perhaps obey you.** Again if you have power to hurt him or help him according as he disregards or obeys your orders, or if he loves you so as to accord with your requests, you have a way of getting him to do things. **However, few people have authority over everyone they need to get to do things, and few people either have power to hurt or help others without damage to themselves or command affection from others to such an extent** as to be able to get them to do the things they need others to do.”

I contend treating juvenile as adults violates our promises.

The ICCPR, signed and ratified by the U.S., requires movement towards a separate juvenile system. Roger Levesque writes[[3]](#footnote-1):

Despite the long history of the notion of children's rights, the incorporation of children's rights into the juvenile justice system is a recent development. It was not until 1966, with the adoption of **the International Covenant on Civil and Political Rights** ("International Covenant"), that juveniles' rights in judicial proceedings made their first formal appearance. The International Covenant **urged states to separate juvenile offenders from their adult counterparts, speedily adjudicate claims, adopt different trial procedures for juveniles, consider the juvenile's age, and promote rehabilitation**. Although the protections afforded by the International Covenant are limited, these protections are still considerably revolutionary. At a minimum, **all nations that ratify the International Covenant must treat some juveniles differently from adults. In addition, ratifying nations must move toward implementing a separate juvenile justice system that includes rehabilitation.** Despite demonstrating the differing needs of youth from adults, the International Covenant essentially allows individual nation states the authority to determine the nature of the separate system and its requisite procedures.

TO AC FW:

--Justice is an artificial virtue—we have to construct it.

So we construct practices that are rule governed and not just justified on sympathy.

The human is a social being—the human needs the ability to found that virtue on reliable promises—this standard comes first to the metaethic.

--Very few people have the authority to command this authority—the state has this authority to create these goods and not individuals—takes out promises on an individual level

1. G.E.M. Anscombe “Modern Moral Philosophy” The Journal of the Royal Institute of Philosophy, Vol. XXXIII No. 124, January 1958. [↑](#footnote-ref--1)
2. *Natural Goodness*. 2001. Oxford University Press. [↑](#footnote-ref-0)
3. Roger Levesque [Assistant Professor of Criminal Justice, Indiana University. J.D., Columbia University School of Law, 1993; Ph.D., University of Chicago, 1990] “Future Visions Of Juvenile Justice: Lessons From International And Comparative Law” 29 Creighton L. Rev. 1563, June 1996. [↑](#footnote-ref-1)